

Excerpts  
Planning Commission Minutes  
November 10, 2004

**Application No. UP-650-04, William E. Rinehart:** Request for a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize a 768-square foot accessory apartment on the second floor of an existing detached garage on a 1.12-acre parcel located at 202 Sonshine Way (Route 1025) and further identified as Assessor's Parcel No. 17-7-6. The property is zoned R13 (High Density Single-Family Residential District) and is designated for High Density Residential development in the Comprehensive Plan.

**Mr. Earl Anderson, Planner,** presented a summary of the staff memorandum to the Commission dated October 20, 2004, in which the staff made a recommendation of approval.

**Vice Chair Ptasznik** opened the public hearing.

**Mr. William Edward Rinehart,** 202 Sonshine Way, spoke about his application. He explained he had planned for some time to convert the upper floor of his garage to an accessory apartment and because of low interest rates on borrowed money this is an opportune time to do it. **Mr. Rinehart** said he had intentionally selected the same roof height and pitch as his next-door neighbor's two-story garage in an effort to create a pleasing and neat appearance. He explained the proposed space would primarily be a game room for his family and friends, but he also wanted to provide minimal sleeping accommodations for visiting family members.

No one else having come forward to speak, **Mr. Ptasznik** closed the public hearing.

**Mr. Hamilton** moved the adoption of Resolution No. PC04-29.

PC04-29

On motion of Mr. Hamilton, which carried 5:0 (Harvell and Simasek absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT  
TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 202  
SONSHINE WAY

WHEREAS, William E. Rinehart has submitted Application No. UP-650-04 to request a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on a 1.12-acre parcel of land located at 202 Sonshine Way (Route 1025) and further identified as Assessor's Parcel No. 17-7-6; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 10th day of November, 2004, that Application No. UP-650-04 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to allow a detached accessory apartment in conjunction with a single-family detached dwelling to be contained within a proposed two-story garage on a 1.12-acre parcel of land located at 202 Sonshine Way (Route 1025) and further identified as Assessor's Parcel No. 17-7-6 subject to the following conditions:

1. This use permit shall authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be contained on the second floor of an existing two-story detached garage on a 1.12-acre parcel of land located at 202 Sonshine Way (Route 1025) and further identified as Assessor's Parcel No. 17-7-6.
2. The apartment shall be contained within the existing structure located on the eastern side of the subject property as indicated on the sketch plan submitted by the applicant titled "202 Sonshine Way," prepared by The York County Geographic Information Systems Office of the Division of Computer Support Services and received by the Planning Division on September 29, 2004. Building plans in substantial conformance with the floor plans submitted by the applicant and received by the Planning Division on September 29, 2004 shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the issuance of a building permit for the accessory apartment.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. Habitable floor area of the accessory apartment unit shall not contain in excess of 768 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
7. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
8. Any development on the lot shall be in compliance with Section 24.1-372 of the County Zoning Ordinance.

9. In accordance with Section 24.1-407(k) of the County Zoning Ordinance, prior to issuance of a building permit for the accessory apartment, the applicant shall be responsible for recording a deed restriction document with the Clerk of the Circuit Court stipulating that the subject accessory apartment will be used, occupied and maintained in accordance with standards and restrictions set forth in Section 24.1-407 of said Ordinance. A Court-certified copy of the document shall be submitted to the County at the time of building permit application.
10. Issuance of this Special Use Permit does not supersede any legally recorded restrictive covenants that may apply to the subject property, nor does it relieve the applicant and/or property owner of any obligation to secure approvals that may be required by a homeowners' association in accordance with said covenants.
11. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

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